

AMENDED IN SENATE SEPTEMBER 1, 2005

AMENDED IN SENATE AUGUST 29, 2005

AMENDED IN SENATE AUGUST 18, 2005

AMENDED IN SENATE JUNE 22, 2005

AMENDED IN SENATE JUNE 20, 2005

AMENDED IN ASSEMBLY MAY 16, 2005

AMENDED IN ASSEMBLY MAY 5, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 354**

**Introduced by Assembly Member Cogdill**  
**(Coauthors: Assembly Members DeVore, Garcia, La Malfa,**  
**Maze, and Nakanishi)**  
**(Coauthors: Senators Chesbro, Cox, and Ducheny)**

February 10, 2005

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An act to add and repeal Section 14132.725 of the Welfare and Institutions Code, relating to Medi-Cal.

### LEGISLATIVE COUNSEL'S DIGEST

AB 354, as amended, Cogdill. Telemedicine.

Existing law, the Medical Practice Act, regulates the practice of telemedicine, defined as the practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, and education using interactive audio, video, or data communications.

This bill would, commencing July 1, 2006, and until January 1, 2009, authorize under the Medi-Cal program, to the extent that federal financial participation is available, “teleophthalmology and

teledermatology by store and forward,” as defined. The bill would require the State Department of Health Services to, on or before January 1, 2008, report to the Legislature specified information regarding store and forward telemedicine provided under this provision as a Medi-Cal benefit.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 14132.725 is added to the Welfare and  
2 Institutions Code, to read:

3 14132.725. (a) Commencing July 1, 2006, to the extent that  
4 federal financial participation is available, face-to-face contact  
5 between a health care provider and a patient shall not be required  
6 under the Medi-Cal program for teleophthalmology and  
7 teledermatology by store and forward. Services appropriately  
8 provided through this store and forward process are subject to  
9 billing and reimbursement policies developed by the department.

10 (b) For purposes of this section, “teleophthalmology and  
11 teledermatology by store and forward” means an asynchronous  
12 transmission of medical information to be reviewed at a later  
13 time by a physician at a distant site who is trained in  
14 ophthalmology or dermatology, where the physician at the distant  
15 site reviews the medical information without the patient being  
16 present in real time. A patient receiving teleophthalmology or  
17 teledermatology by store and forward shall be notified of the  
18 right to receive interactive communication with the distant  
19 specialist physician, and shall receive an interactive  
20 communication with the distant specialist physician, upon  
21 request. If requested, communication with the distant specialist  
22 physician may occur either at the time of the consultation, or  
23 within 30 days of the patient’s notification of the results of the  
24 consultation.

25 (c) Notwithstanding Chapter 3.5 (commencing with Section  
26 11340) of Part 1 of Division 3 of Title 2 of the Government  
27 Code, the department may implement, interpret, and make  
28 specific this section by means of all county letters, provider  
29 bulletins, and similar instructions.

1 (d) On or before January 1, 2008, the department shall report  
2 to the Legislature the number and type of services provided, and  
3 the payments made related to the application of store and forward  
4 telemedicine as provided, under this section as a Medi-Cal  
5 benefit.

6 *(e) The health care provider shall comply with the informed*  
7 *consent provisions of subdivisions (c) to (g), inclusive, of, and*  
8 *subdivisions (i) and (j) of, Section 2290.5 of the Business and*  
9 *Professions Code when a patient receives teleophthalmology or*  
10 *teledermatology by store and forward.*

11 ~~(e)~~

12 (f) This section shall remain in effect only until January 1,  
13 2009, and as of that date is repealed, unless a later enacted  
14 statute, that is enacted before January 1, 2009, deletes or extends  
15 that date.